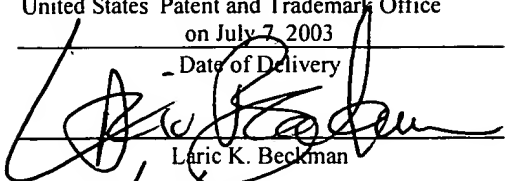


#14

I hereby certify that this correspondence is being  
hand delivered to the Office of Petitions of the  
United States Patent and Trademark Office  
on July 7, 2003

  
Date of Delivery  
Laric K. Beckman  
7/7/03  
Date of Signature

RECEIVED

JUL 07 2003

OFFICE OF PETITIONS

O.K.  
please enter  
2-f

Case No. 3614/174

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

PEYMAN ET AL.

Serial No: 09/832,269

Examiner: Zohreh A. Fay

Filed: April 10, 2001

Group Art Unit: 1614

For: RETINAL TREATMENT  
METHOD

**PETITION TO CORRECT INVENTORSHIP AND ADD AN  
ERRONEOUSLY OMITTED INVENTOR IN A NON-PROVISIONAL  
APPLICATION PURSUANT TO 37 C.F.R. § 1.48**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a petition to correct the inventorship of the above-identified application under 37 C.F.R. § 1.48(a). Accordingly, Petitioner hereby requests that the following inventor be added to this application: Alan Y. Chow. In support of this Petition, the following items are attached:

(A) A statement from Alan Y. Chow, the person being added as an inventor, that the error in inventorship occurred without deceptive intention on his part (37 C.F.R. § 1.48(a)(1)).

(B) A declaration signed by each of the actual inventors as required by 37 C.F.R. § 1.63.

(C) Written Consent of the Assignee.

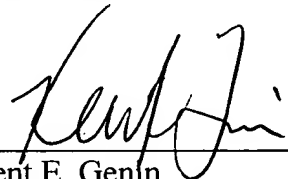
(D) Power of Attorney.

(E) Check in the amount of \$130.

The Commissioner is authorized to charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 23-1925. A duplicate of this paper is attached.

Respectfully submitted,

Dated: July 3, 2003

  
\_\_\_\_\_  
Kent E. Genin  
Registration No. 37,834  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312)321-4200

RECEIVED

JUL 07 2003

OFFICE OF PETITIONS

"Express Mail" mailing label number Ø

Date of Deposit: 7/7/03

Our Case No. 3614/174

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Gholam A. Peyman et al. )  
)  
Serial No. 09/832,269 ) Examiner: Zohreh A. Fay  
)  
Filing Date: April 10, 2001 ) Group Art Unit: 1614  
)  
For RETINAL TREATMENT METHOD )  
)  
)

**STATEMENT OF NON-DECEPTIVE INTENT BY PERSON BEING ADDED BY  
PETITION TO CHANGE INVENTORSHIP IN NON-PROVISIONAL PATENT  
APPLICATION (37 C.F.R. §1.48(a))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Alan Y. Chow, the person being added as an inventor by the petition being submitted to correct the inventorship of this patent, do hereby declare that the inventorship error in failing to include my name as an inventor on this application occurred without any deceptive intention on my part.

Respectfully submitted

ALAN Y. CHOW

Name of Inventor being added



Signature

RECEIVED

JUL 07 2003

OFFICE OF PETITIONS

Case No. \_\_\_\_\_

**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Retinal Treatment Method, the specification of which:

- ☐ is attached hereto.  
☒ was filed on April 10, 2001 as Application Serial No. 09/832,269.  
☒ and was amended on November 8, 2002 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)****Priority Claimed**

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
----------	-----------	------------------------	------------------------------	-----------------------------

I hereby claim the benefit under 35 U.S.C. § 119(c) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
--------------------------	---------------

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)
--------------------------	---------------	---------------------------------------

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Full name of sole or first inventor

Residence

Citizenship

Post Office Address

Date:

7.1.03

Gholam A. Peyman

8654 Pontchartrain Boulevard, Unit #1, New Orleans, Louisiana 70124

U.S.A.

8654 Pontchartrain Boulevard, Unit #1, New Orleans, Louisiana 70124

Inventor's Signature

Full name of second joint inventor, if any

Residence

Citizenship

Post Office Address

Date:

7/3/2003

Alan Y. Chow

191 Palamino Place, Wheaton, Illinois 60187

U.S.A.

191 Palamino Place, Wheaton, Illinois 60187

I hereby certify that this correspondence is being  
hand delivered to the Office of Petitions of the  
United States Patent and Trademark Office

on July 7, 2003

Date of Delivery

Latic K. Beckman

7/7/03

Date of Signature

RECEIVED

JUL 07 2003

OFFICE OF PETITIONS

Case No. 3614/174

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

PEYMAN ET AL.

Serial No: 09/832,269

Filed: April 10, 2001

For: RETINAL TREATMENT  
METHOD

Examiner: Zohreh A. Fay

Group Art Unit: 1614

**CONSENT OF ASSIGNEE TO CORRECTION AND/OR  
ADDITION OF INVENTORS**

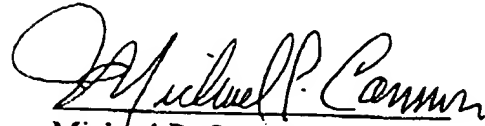
1. Assignee name and address: Optobionics Corporation, 850 East Diehl Road, Suite 120, Naperville, Illinois 60563.
2. Copies of Assignments from the inventors (Gholam A. Peyman and Alan Y. Chow) to Optobionics Corporation are attached hereto.
3. Assignee hereby consents to the Petition to Correct Inventorship, adding Alan Y. Chow, filed herewith.

Case No. 3614/174

4. The undersigned, whose title is supplied below, is empowered and authorized to act on behalf of the Assignee.

Respectfully submitted,

Dated: 7-3-03



Michael P. Cannon  
Vice President & General Counsel  
Optobionics Corporation

RECEIVED

JUL 07 2003

OFFICE OF PETITIONS

PATENT ASSIGNMENT

WHEREAS, Dr. Gholam A. Peyman, hereinafter called the "Assignor", has made the inventions described in the United States patent application entitled RETINAL TREATMENT METHOD, for a full description of which reference is here made to an application for Letters Patent of the United States filed on April 10, 2001 and assigned Application Serial No. 09/832,269;

WHEREAS, Optobionics Corporation, a corporation organized and existing under the laws of the State of Delaware, having a place of business at 850 E. Diehl Road, Suite 120, Naperville, Illinois 60563, hereinafter called the "Assignee", desires to acquire the entire right, title and interest in and to the inventions and the patent application identified above, and all patents which may be obtained for said inventions, as set forth below;

WHEREAS, at the time said inventions were made they were subject to an obligation of assignment to the Assignee;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other valuable and legally sufficient consideration, the receipt of which by the Assignor from the Assignee is hereby acknowledged, the Assignor by these presents does hereby sell, assign and transfer to the Assignee, the entire right, title and interest for the United States in and to the inventions and the patent application identified above, and any patents that may issue for said inventions in the United States; together with the entire right, title and interest in and to said inventions and all patent applications and patents therefore in all countries foreign to the United States, including the full right to claim for any such application all benefits and priority rights under any applicable convention; together with the entire right, title and interest in and to all continuations, divisions, renewals and extensions of any of the patent applications and patents defined above; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for all such patents.

The Assignor hereby covenants and agrees, for both the Assignor and the Assignor's legal representatives, that the Assignor will assist the Assignee in the prosecution of the patent application identified above; in the making and prosecution of any other patent applications that the Assignee may elect to make covering the inventions identified above; in vesting in the

Assignee like exclusive title in and to all such other patent applications and patents; and in the prosecution of any interference which may arise involving said inventions, or any such patent application or patent; and that the Assignor will execute and deliver to the Assignee any and all additional papers which may be requested by the Assignee to carry out the terms of this Assignment.

The Commissioner of Patents and Trademarks is hereby authorized and requested to issue patents to the Assignee in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, the Assignor has executed this agreement.

DATED:

7.1.03

Dr. Gholam A. Peyman

STATE OF LOUISIANA )  
PARISH ) ss.  
COUNTY OF ORLEANS )

I, M David Kurtz, a Notary Public in and for the County and State aforesaid, do hereby certify that Dr. Gholam A. Peyman, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 1st day of July, 2003.

M David Kurtz  
Notary Public

My Commission Expires:  
**M. DAVID KURTZ**  
NOTARY PUBLIC  
State of Louisiana  
My Commission is issued for Life

RECEIVED

JUL 07 2003

OFFICE OF PETITIONS

Case No. 3614/174

ASSIGNMENT

WHEREAS, Alan Y. Chow, hereinafter called the "Assignor", has made the invention described in the United States patent application entitled Retinal Treatment Method, for a full description of which reference is here made to an application for Letters Patent of the United States filed on April 10, 2001 and assigned Application Serial No. 09/832,269;

WHEREAS, Optobionics Corporation, a corporation organized and existing under the laws of the State of Delaware, having a place of business at 850 East Diehl Road, Suite 120, Naperville, IL 60563, hereinafter called the "Assignee", desires to acquire the entire right, title and interest in and to the invention and the patent application identified above, and all patents which may be obtained for said invention, as set forth below;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other valuable and legally sufficient consideration, the receipt of which by the Assignor from the Assignee is hereby acknowledged, the Assignor has sold, assigned and transferred, and by these presents does sell, assign and transfer to the Assignee, Assignor's entire right, title and interest for the United States in and to the invention and the patent application identified above, and any patents that may issue for said invention in the United States; together with Assignor's entire right, title and interest in and to said invention and all patent applications and patents therefor in all countries foreign to the United States, including the full right to claim for any such application all benefits and priority rights under any applicable convention; together with Assignor's entire right, title and interest in and to all continuations, divisions, renewals and extensions of any of the patent applications and patents defined above; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for all such patents.

The Assignor hereby covenants and agrees, for both the Assignor and the Assignor's legal representatives, that the Assignor will assist the Assignee in the prosecution of the patent application identified above; in the making and prosecution of any other patent applications that the Assignee may elect to make covering the invention identified above; in vesting in the Assignee like exclusive title in and to all such other patent applications and

patents; and in the prosecution of any interference which may arise involving said invention, or any such patent application or patent; and that the Assignor will execute and deliver to the Assignee any and all additional papers which may be requested by the Assignee to carry out the terms of this Assignment.

The Commissioner of Patents and Trademarks is hereby authorized and requested to issue patents to the Assignee in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, the Assignor has executed this agreement.

DATED:

July 2, 2003

  
\_\_\_\_\_  
Alan Y. Chow

Rev. Nov.98  
Document33

STATE OF Illinois )

COUNTY OF DuPage )

ss.

I, Christopher P. Moreno, a Notary Public in and for the County and State aforesaid, do hereby certify that Alan Y. Chow, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

2<sup>nd</sup> day of July, 2003. IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this

\*\*\*\*\*  
"OFFICIAL SEAL"  
CHRISTOPHER P. MORENO  
Notary Public, State of Illinois  
My Commission Expires 03/26/06  
\*\*\*\*\*

My Commission Expires:

Christopher P. Moreno  
Notary Public

Inventor(s): Gholam A. Peyman and Alan Y. ChowTitle: RETINAL TREATMENT METHOD

## POWER OF ATTORNEY

RECEIVED

JUL 07 2003

OFFICE OF PETITIONS

The specification of the above-identified patent application:

- ☐ is attached hereto  
☒ was filed on April 10, 2001 as application Serial No. 09/832,269

I hereby revoke all previously granted powers of attorney in the above-identified patent application and appoint the following attorneys to prosecute said patent application and to transact all business in the Patent and Trademark Office connected therewith:

Kent E. Genin, Reg. No. 37,834  
Vince Gnoffo, Reg. No. 44,714  
Allan J. Sternstein, Reg. No. 27,396

Please address all correspondence and telephone calls to Kent E. Genin in care of:

Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610  
(312)321-4200

The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from Christopher P. Moreno as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

Optobionics Corporation, a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application identified above, a copy of which is attached hereto.  
OR  
☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, frame \_\_\_\_\_.  
OR  
☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, frame \_\_\_\_\_, or a copy thereof is attached.
2. From \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned has reviewed the assignment or all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature: Christopher P. Moreno Date: 7/3/03  
Name: Christopher P. Moreno  
Title: Senior Patent Attorney

## PATENT ASSIGNMENT

WHEREAS, Dr. Gholam A. Peyman, hereinafter called the "Assignor", has made the inventions described in the United States patent application entitled RETINAL TREATMENT METHOD, for a full description of which reference is here made to an application for Letters Patent of the United States filed on April 10, 2001 and assigned Application Serial No. 09/832,269;

WHEREAS, Optobionics Corporation, a corporation organized and existing under the laws of the State of Delaware, having a place of business at 850 E. Diehl Road, Suite 120, Naperville, Illinois 60563, hereinafter called the "Assignee", desires to acquire the entire right, title and interest in and to the inventions and the patent application identified above, and all patents which may be obtained for said inventions, as set forth below;

WHEREAS, at the time said inventions were made they were subject to an obligation of assignment to the Assignee;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other valuable and legally sufficient consideration, the receipt of which by the Assignor from the Assignee is hereby acknowledged, the Assignor by these presents does hereby sell, assign and transfer to the Assignee, the entire right, title and interest for the United States in and to the inventions and the patent application identified above, and any patents that may issue for said inventions in the United States; together with the entire right, title and interest in and to said inventions and all patent applications and patents therefore in all countries foreign to the United States, including the full right to claim for any such application all benefits and priority rights under any applicable convention; together with the entire right, title and interest in and to all continuations, divisions, renewals and extensions of any of the patent applications and patents defined above; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for all such patents.

The Assignor hereby covenants and agrees, for both the Assignor and the Assignor's legal representatives, that the Assignor will assist the Assignee in the prosecution of the patent application identified above; in the making and prosecution of any other patent applications that the Assignee may elect to make covering the inventions identified above; in vesting in the

Assignee like exclusive title in and to all such other patent applications and patents; and in the prosecution of any interference which may arise involving said inventions, or any such patent application or patent; and that the Assignor will execute and deliver to the Assignee any and all additional papers which may be requested by the Assignee to carry out the terms of this Assignment.

The Commissioner of Patents and Trademarks is hereby authorized and requested to issue patents to the Assignee in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, the Assignor has executed this agreement.

DATED:

7.1.03

Dr. Gholam A. Peyman

STATE OF LOUISIANA )  
PARISH ) ss.  
COUNTY OF ORLEANS )

I, M. David Kurtz, a Notary Public in and for the County and State aforesaid, do hereby certify that Dr. Gholam A. Peyman, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 1st day of July, 2003.

M. David Kurtz  
Notary Public

My Commission Expires:  
**M. DAVID KURTZ**  
NOTARY PUBLIC  
State of Louisiana  
My Commission is issued for Life

**ASSIGNMENT**

WHEREAS, Alan Y. Chow, hereinafter called the "Assignor", has made the invention described in the United States patent application entitled Retinal Treatment Method, for a full description of which reference is here made to an application for Letters Patent of the United States filed on April 10, 2001 and assigned Application Serial No. 09/832,269;

WHEREAS, Optobionics Corporation, a corporation organized and existing under the laws of the State of Delaware, having a place of business at 850 East Diehl Road, Suite 120, Naperville, IL 60563, hereinafter called the "Assignee", desires to acquire the entire right, title and interest in and to the invention and the patent application identified above, and all patents which may be obtained for said invention, as set forth below;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other valuable and legally sufficient consideration, the receipt of which by the Assignor from the Assignee is hereby acknowledged, the Assignor has sold, assigned and transferred, and by these presents does sell, assign and transfer to the Assignee, Assignor's entire right, title and interest for the United States in and to the invention and the patent application identified above, and any patents that may issue for said invention in the United States; together with Assignor's entire right, title and interest in and to said invention and all patent applications and patents therefor in all countries foreign to the United States, including the full right to claim for any such application all benefits and priority rights under any applicable convention; together with Assignor's entire right, title and interest in and to all continuations, divisions, renewals and extensions of any of the patent applications and patents defined above; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for all such patents.

The Assignor hereby covenants and agrees, for both the Assignor and the Assignor's legal representatives, that the Assignor will assist the Assignee in the prosecution of the patent application identified above; in the making and prosecution of any other patent applications that the Assignee may elect to make covering the invention identified above; in vesting in the Assignee like exclusive title in and to all such other patent applications and

patents; and in the prosecution of any interference which may arise involving said invention, or any such patent application or patent; and that the Assignor will execute and deliver to the Assignee any and all additional papers which may be requested by the Assignee to carry out the terms of this Assignment.

The Commissioner of Patents and Trademarks is hereby authorized and requested to issue patents to the Assignee in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, the Assignor has executed this agreement.

DATED:

July 2, 2003

  
\_\_\_\_\_  
Alan Y. Chow

Rev. Nov.98  
Document33

STATE OF Illinois )

COUNTY OF DuPage )

ss.

I, Christopher P. Moreno, a Notary Public in and for the County and State aforesaid, do hereby certify that Alan Y. Chow, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

2<sup>nd</sup> day of July, 2003.  
IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this



My Commission Expires:

Christopher P. Moreno  
Notary Public